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 CELERA CORPORATION, KATHY ORDOÑEZ,  
 JOEL R. JUNG, UGO DEBLASI, AND  
 CHRISTOPHER HALL

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

In re CELERA CORP. SEC. LITIG.

Case No. 10-cv-02604-EJD (HRL)

This Document Relates To:  
 ALL ACTIONS.

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO MODIFY CASE  
 MANAGEMENT ORDER**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties, Lead Plaintiff Washtenaw County Employees' Retirement System ("Plaintiff") and defendants Celera Corporation, Kathy Ordoñez, Joel R. Jung, Ugo DeBlasi and Christopher Hall (collectively, "Defendants"), by and through their undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on November 5, 2012, the Court issued a Case Management Order ("CMO") setting forth the schedule that currently governs the discovery deadlines in this case, with the schedule as follows:

EVENT	DEADLINE
Fact Discovery Cutoff	September 18, 2013
Designation of Opening Experts with Reports	49 days before Expert Discovery Cutoff
Designation of Rebuttal Experts with Reports	28 days before Expert Discovery Cutoff
Expert Discovery Cutoff	October 18, 2013
Deadline(s) for Filing Discovery Motions	<u>See</u> Civil Local Rule 37-3
Deadline for Filing Dispositive Motions <sup>1</sup>	October 25, 2013
Preliminary Pretrial Conference	11:00 a.m. August 23, 2013
Joint Preliminary Pretrial Conference Statement	August 14, 2013

WHEREAS, discovery in this action was stayed pursuant to 15 U.S.C. § 78u-4(b)(3)(B) until the Court ruled on Defendants' motion to dismiss on September 4, 2012;

WHEREAS, Plaintiff served its First Request for Production of Documents to Defendants ("Request for Documents") on October 12, 2012;

WHEREAS, Defendants served their Response to Plaintiff's First Request for Production of Document to Defendants ("Responses and Objections") on November 13, 2012;

WHEREAS, on November 28, 2012, Plaintiff's counsel and Defendants' predecessor counsel participated in a meet and confer regarding discovery from Defendants and their objections;

<sup>1</sup> This is the last date for *filing* dispositive motions. The actual hearing on the motion may be noticed for a date subsequent after contacting Judge Davila's courtroom deputy.

1 WHEREAS, on December 17, 2012, Defendants moved this court for substitution of  
 2 counsel, seeking to replace their predecessor counsel, Morrison and Forester LLP, with Defendants'  
 3 current counsel, Shearman & Sterling LLP;

4 WHEREAS, on December 18, 2012, this Court granted Defendants' motion for substitution  
 5 of counsel;

6 WHEREAS, since the substitution of counsel, the parties have worked diligently to proceed  
 7 with discovery in accordance with the CMO, as set forth in the accompanying Declaration of  
 8 Stephen D. Hibbard, and over the last two months, counsel for the parties have engaged in extensive  
 9 discovery negotiations and have significantly narrowed the points of disagreement, such that, to  
 10 date, no court intervention has been required;

11 WHEREAS, as a result of those discussions, Defendants have begun a systematic rolling  
 12 production of documents;

13 WHEREAS, based on agreements as to search terms and custodians to date, Defendants  
 14 estimate they will need to review nearly 1,000,000 documents, potentially totaling several million  
 15 pages and despite Defendants' best efforts, it is apparent that the actual scope of discovery makes it  
 16 no longer feasible for the parties to complete fact discovery by the current CMO deadline;

17 WHEREAS, pursuant to Civil L.R. 6-2(a)(2), the following are previous time modifications  
 18 in this action: (i) July 8, 2010 Order (J. Ware) extending Defendants' time to respond to the  
 19 Complaint until after the appointment of Lead Plaintiff (Dkt. No. 7); (ii) November 2, 2010 Order  
 20 (J. Ware) continuing the case management conference from November 15, 2010 to March 7, 2011  
 21 (Dkt. No. 27); (iii) February 18, 2011 Clerk's Notice continuing the hearing on Defendants' motion  
 22 to dismiss and the case management conference from March 7, 2011 until March 28, 2011 (Dkt.  
 23 No. 36); (iv) March 24, 2011 Order (J. Ware) vacating the hearing on Defendants' motion to  
 24 dismiss and continuing the case management conference, and also setting a schedule for the filing  
 25 of, briefing of, and hearing on Lead Plaintiff's Second Amended Consolidated Complaint (Dkt. No.  
 26 40); (v) June 16, 2011 Order (J. Davila) setting a schedule for the filing of, briefing of, and hearing  
 27 on Lead Plaintiff's Second Amended Consolidated Complaint (Dkt. No. 47); (vi) November 23,  
 28 2011 Order (J. Davila) continuing the case management conference scheduled for December 2,

2011 (Dkt. No. 61); (vii) September 14, 2012 Order (J. Davila) extending time for Defendants to answer or otherwise respond to the Second Amended Consolidated Complaint (Dkt. No. 67); (viii) October 5, 2012 Order (J. Davila) extending time for the Rule 26(f) Conference and for parties to file their Joint Case Management Statement and the Case Management Conference to November 9, 2012 (Dkt. No. 71); (ix) November 7, 2012 Order (J. Davila) extending the deadline for Lead Plaintiff to file a Motion to Strike Defendants' Answer, or portions thereof, to November 29, 2012 (Dkt. No. 77); (x) December 17, 2012 Order (J. Davila) extending the deadline to amend Answer without leave of Court to January 7, 2013 (Dkt. No. 80); and (xi) January 7, 2013 Order extending deadline to amend Defendants' answer to January 29, 2013;

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that all deadlines in the November 5, 2012 Case Management Order shall be extended as follows:

EVENT	DEADLINE
Fact Discovery Cutoff	February 5, 2014
Designation of Opening Experts with Reports	49 days before Expert Discovery Cutoff
Designation of Rebuttal Experts with Reports	28 days before Expert Discovery Cutoff
Expert Discovery Cutoff	April 4, 2014
Deadline(s) for Filing Discovery Motions	<u>See</u> Civil Local Rule 37-3
Deadline for Filing Dispositive Motions	March 11, 2014
Preliminary Pretrial Conference	11:00 a.m. January 3, 2014
Joint Preliminary Pretrial Conference Statement	December 19, 2013

DATED: April 2, 2013

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MIKAEL A. ABYE

By: /s/ Stephen D. Hibbard

Stephen D. Hibbard

*Attorneys for Defendants*

CELERA CORPORATION, KATHY  
ORDOÑEZ, JOEL R. JUNG, UGO DeBLASI,  
AND CHRISTOPHER HALL

DATED: April 2, 2013

ROBBINS GELLER RUDMAN & DOWD LLP

WILLOW E. RADCLIFFE  
SUNNY S. SARKIS

By: /s/ Willow E. Radcliffe  
Willow E. Radcliffe

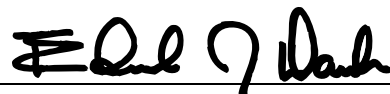
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*Lead Counsel for Plaintiff*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/3/2013



The Honorable Edward J. Davila  
United States District Court Judge